

Minutes

City of Loma Linda

Department of Community Development

Planning Commission

An adjourned regular meeting of the Planning Commission was called to order by Chair Michael Christianson at 7:05 p.m., **Wednesday, June 28, 2006**, in the City Council Chambers, 25541 Barton Road, Loma Linda, California.

Commissioners Present: Michael Christianson, Chair
David Werner, Vice Chair
Mary Lee Rosenbaum
David Varnam

Commissioners Absent: Frank Povero

Staff Present: Richard Holdaway, City Attorney
Deborah Woldruff, Community Development Director
H.P. Kang, Senior Planner
Jeffrey Peterson, Associate Engineer
Raul Colunga, Assistant Planner
Jocelyne Larabie, Administrative Secretary

ITEMS TO BE DELETED OR ADDED

There were no items to be added or deleted. However, Director Woldruff stated that if Chair Christianson was considering changing the order of the items on the agenda that she recommended that Items 2 and 3 be discussed first so that residents in the audience who might wish to speak on the projects would not have to sit through the whole meeting. Chair Christianson agreed and moved Item 1 to the last item of the agenda because he would have to recuse himself from the discussion of that item. He added that the non-public hearing item regarding Development Criteria for the projects would be discussed as Item 3 and that the approval of Minutes as Item 5. He also suggested that reports from the Planning Commissioners and the Community Development Director be provided before he left the meeting.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

Director Woldruff explained that the City Council had instructed staff to forward the June 2006 version of the Draft General Plan back to the Planning Commission for a report. She continued to say that it was not a public hearing item but a review process to meet State law requirements to ensure that the Planning Commission was made aware of any substantive changes that might have occurred since it was forwarded to the City Council by the Commission. She went on to say that the City Council hoped to have the document before them on July 25, 2006 for adoption and certification of the Final Draft Environmental Impact Report on July 17, 2006. She added that the Council would like to have the Commissioners' input before that time.

Director Woldruff informed the Commission that Lloyd Zola, consultant from the LSA Consulting firm who drafted the General Plan would be attending the July 12, 2006 meeting to give a presentation on what had changed since the Planning Commission's approval and to answer any questions the Commission might have.

City Attorney Holdaway concurred that the General Plan had evolved following multiple public hearings and the Council asked that the Planning Commission look at the final draft of the document and report back to them as to any comments or concerns the Commissioners might have. He added that there would be limited time available for public hearing at the City Council meeting of July 25, 2006 and the intent was for the Council to take final action at that meeting.

ORAL REPORTS/PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

There was no public participation.

CONTINUED ITEMS

PUBLIC HEARING

PC-06-35 – ZONE CHANGE NO. 06-05 AND ANNEXATION 06-01 – PETERSEN TRACT

Director Woldruff provided the staff report and stated that the Zone Change and the Annexation had been advertised for a public hearing and a community meeting had been scheduled for June 19, 2006. She went on to say that Mayor Petersen had indicated that he wanted to be present at the community meeting but would be out of the country on June 19, 2006 and asked that the meeting be rescheduled. Director Woldruff stated that the community meeting would be rescheduled for August 7, 2006 and those announcements would be mailed out to all the concerned citizens.

Chair Christianson opened the public comment period at 7:20 p.m. However, he asked that those interested in commenting wait until August 7, 2006 when staff could address their concerns. He added that staff would also be happy to accept any written comments that they would like to submit.

Mr. Holdaway explained that the Planning Commission could not make decisions relative to the annexation of the property. He added that the City Council could but that the Local Agency Formation Commission was the body that created the rules and decided on the actual annexation. He commented that the Planning Commission had jurisdiction over the zoning issue only.

Motion by Varnam, seconded by Rosenbaum and unanimously carried, to continue Zone Change No. 06-05 and Annexation No. 06-01 for the Petersen Tract to the meeting of August 16, 2006. (Povero Absent)

PC-06-36 – GENERAL PLAN AMENDMENT NO. 06-03, ZONE CHANGE NO. 06-04 AND ANNEXATION 06-02 – BRYN MAWR

Assistant Planner Colunga provided the staff report and stated that the concerns were the same as for the Petersen Tract annexation and that Mayor Petersen wanted to be present at the community meeting to be able to address the citizens' concerns. Mr. Colunga added that the

Bryn Mawr community meeting was being rescheduled for August 8, 2006 and that announcements would be mailed out to all the concerned citizens.

Chair Christianson opened the public comment period at 7:28 p.m. As there was no one wishing to address the Commission to speak on the issue, the public comment period was closed.

Motion by Rosenbaum, seconded by Werner and unanimously carried, to continue General Plan Amendment No. 06-03, Zone Change No. 06-04 and Annexation 06-02 for Bryn Mawr to the meeting of August 16, 2006. (Povero Absent)

PC-06-37 – DEVELOPMENT CRITERIA FOR NEW PROJECTS

Chair Christianson opened the discussion regarding the Development Criteria for new projects. The Commissioners stated that they had various revisions regarding the language and the items themselves.

The Commission's consensus was to:

- Revise the language for grammar and vocabulary;
- Condense duplicate items;
- Remove references to specific projects or vague terms to make the list more generic.

Chair Christianson suggested that the Commissioners review the list again and provide comments to staff. Staff would further refine the language and bring the list back to the Planning Commission.

Chair Christianson gave the example of the use of sycamore trees, which he liked. Director Woldruff commented that the reason they were not recommended was that the root systems damaged streets and sidewalks and they presented the Public Works Department with maintenance issues when it was time to trim them. She added that the Planning Commission might allow their use in a different setting - not as a street tree but on large properties away from public sidewalks and infrastructure that can be damaged. Director Woldruff explained that this approach could apply to any of the items on the list.

Chair Christianson stated that he would like Mr. Povero's input and suggested that the revised list be agendaized for a future meeting. It was the consensus to place the list be placed on the August or September Planning Commission meeting.

PC-06-38 – APPROVAL OF MINUTES – JUNE 7, 2006

There were no changes proposed to the text of the minutes.

Motion by Werner, seconded by Varnam, and unanimously carried to approve the minutes of the regular meeting of June 7, 2006. (Povero absent)

Chair Christianson commented that Commissioner Rosenbaum and he were the only Commissioners remaining, who were on the Planning Commission for the minutes at hand. Attorney Holdaway stated that the members present at those meetings could approve them.

The minutes of September 29, 2004, November 10, 2004, and November 17, 2004 were approved by a motion by Rosenbaum, and a second by Werner.

Chair Christianson recused himself from the discussion of the following item to avoid possible conflict of interest issues stating that he owned property within 500 feet of the project site.

Director Woldruff informed the Commission that staff would assemble the text from the minutes of the meetings that dealt with the General Plan Update and have it copied to a CD to help the Commissioners with the review of the final draft General Plan.

PC-06-39 – TENTATIVE TRACT MAP NO. 06-02 (17795), PRECISE PLAN OF DESIGN NO. 06-03, VARIANCE NO. 06-05, AND DEVELOPMENT AGREEMENT NO. 06-01

Senior Planner Kang provided a staff report stating that the project was a request to subdivide a 2.18-acre site into a Planned Residential Development of 13 two-story units and one existing single-family residence. He went on to say that the project included a request for a variance to reduce the side-yard set back requirements by four feet for the project site located on the west side of Lind Avenue, south of Court Street and bordering San Timoteo Creek Channel. He added that the original application included a Zone Change but that upon further review of the project, staff determined that a variance was the appropriate entitlement and the request for a Zone Change was withdrawn.

Mr. Kang explained that there was an existing 1,400 square-foot single-family residence on the "L" shaped site, which would remain and that the land had minimal landscaping and was surrounded, on the north, east and west by residential development.

Mr. Kang described the project as follows:

- 13 two-story condominium units, each with a two-car garage;
- 27 open parking spaces;
- 1,700 square foot to 2,025 square foot units;
- 15,500 sq ft of common open space;
- One tot lot;
- Picnic tables and BBQ grills.

Mr. Kang provided slides of the elevations that illustrated the four-sided architecture and similar features for all plans with slight differences from one model to the other. He also presented slides of the landscape plans, which included stamped concrete sections scattered in the drive aisle.

Mr. Kang pointed out that the Fire Department had modifications to the Conditions of Approval, more specifically:

- Replace Condition Nos. 28, 29, 30, and 31 with a new No. 28.
- New No. 28 - All construction and site development shall meet the requirements of the editions of the California Building Code (CBC)/Uniform Building Code (UBC) and the California Fire Code (CFC)/Uniform Fire Code (UFC) as adopted and amended by the City of Loma Linda and legally in effect at the time of issuance of building permit.
- Replace Condition No. 81 with a new No. 81.
- New No. 81 - Fire station and fire equipment development impact fees shall be assessed at the rates established by City Resolution. Pursuant to LLMC Chapter 3.28, fire plan

check and inspection fees shall be collected at the rates established by City Manager's Executive Order.

Upon a request for clarification by Vice Chair Werner, Director Woldruff explained that condominium projects could be comprised of attached and detached units with a homeowner's association, private roads/streets; she added that the applicant must record a condo map.

Vice Chair Werner wanted to know why the existing structures on the property adjacent to the project site were not being demolished. Mr. Kang explained that the structures do not belong to the applicant. He added that the applicant had offered to buy the property from the current owner but the latter stated that he wished to keep his property because he plans to develop it in the future.

Other questions by the Commissioners related to the width of the drive aisle, sidewalks and trails, and open space requirements.

Commissioner Rosenbaum commented that she would like to see the unit that required the variance be removed because it would eliminate the need for the variance. She also wanted to see one of the parking spaces removed in front of the pedestrian walkway leading to the open space to the north to allow a safer passage to that open space.

Vice Chair Werner opened the public comment period at 8:05 p.m.

James Hu, 2440 S. Barrington Avenue, #312, Los Angeles, stated that he was the representative for the owner and the architect office. Mr. Hu addressed Commissioner Rosenbaum's question regarding the walkway to the open space and stated that he recognized the safety issue and that he would make changes to accommodate a safer pedestrian access to the open space. He continued to say that relative to the removal of one unit to eliminate the need for a variance, he explained that the developer was looking to maximize the use of his land and his investment. Mr. Hu went on to say that the unit could possibly be reduced to a one-story building, which would then reduce the setback requirement from 10 feet to five feet.

Mr. Hu commented that the original plan was to build 18 units but was reduced to 13 which resulted in a density of 6.5 units per acre; far less than the allowable density for the area.

Rosemary Ferris, 25025 Court Street, Loma Linda addressed the Commission to express the following concerns:

- The possibility of the project becoming a Planned Community causing imminent domain proceeding to be in effect and the fear that her property could be taken without necessarily give her fair market value;
- The removal of eucalyptus trees on the boundary of the project site and her back yard in respect to the protection of the owls, woodpeckers and hawks which nest in the trees;
- The plans to build two-story houses as an issue of privacy.

Attorney Holdaway reassured Ms. Ferris that the City Council had publicly stated that they would never be interested in imminent domain proceedings as to any residential property in the city and that there was never a proposal or ordinance for taking anyone's property.

Ms. Ferris added that the reason she was concerned was that the initial application included a Zone Change and she was concerned that it would affect the zoning of her property also.

Senior Planner Kang took a moment to explain why the Zone Change was withdrawn. He stated that the applicant wanted to design a planned community, which would allow them to create standards that were different from the City's in regards to setbacks, building separation, etc. He went on to say that there was only one issue to address and that was the encroachment into the side yard setback. He added that the developer met and exceeded all other requirements for an R-3 development of this size. Director Woldruff added that because of the shape and the constraints of the property it was more appropriate to process a Variance.

Arden Tamano Jr., 25055 Court Street, Loma Linda commented on the following topics:

- The location of the project in relation to the other properties on Court Street and how far down on Court Street the site was. Mr. Kang replied it was approximately 300 feet from Lind Street;
- The possibility of San Timoteo Creek overflowing during heavy storms. Mr. Peterson replied that the flood control channel had been designed to Q100 storm levels, and exceeded the level one would expect of any 100-year storm. He added that the Corps of Engineers was processing the paperwork to relieve property owners of the necessity of having flood insurance and should be completed by the end of the year.
- The single entrance and exit to and from the development. Mr. Kang explained that there was no way to provide a secondary access to the project. He added that the applicant was not successful in purchasing any more land to accommodate another access. He went on to say that the applicant had provided a turnaround for emergency vehicles.

Vice Chair Werner closed the public comment period at 8:25 p.m.

The Planning Commission's discussion focused on the following:

- Landscaping – Trees to be 24-inch box trees per City Standards;
- Entrance to open space – reconfigure the parking area to provide a safe path to the park and tot lot.
- Four-Sided Architecture - blank wall on the Type "A" right elevation. Mr. Kang explained that the units, which were the first two houses on Lind Street, would be connected on the garage wall of the building and would not be visible from outside the condominium complex.

Lester Zhou, 135 N. San Gabriel Boulevard, San Gabriel, California, and applicant for the project, explained that the configuration of the project was based on the fact that the property owner of the adjacent lot wanted to develop the land and wanted to use the detached garage for storage. He added that they had offered to build a new house for the owner and his offer was declined. Mr. Zhou went on to explain that the first design was situated over a utility easement, and therefore the lot had to be reconfigured.

The discussion continued regarding the safety concerns related to the number of units and the limited access to the open space and recreation areas because residents would have to walk in the middle of the drive aisle. Vice Chair Werner commented that he had not seen a condition, which addressed the issue of parking in the drive aisle. Director Woldruff suggested that one could be added and explained that the main drive aisle was too narrow to allow parking. Fire Marshall Crawford concurred and stated that the issue could be addressed in the Conditions, Covenants and Regulations (CC&Rs), which would establish red-curb areas or designated fire lanes throughout the project.

Director Woldruff stated that wording would be added to Section 77, G) of the Conditions of Approval that would stipulate that there would be no parking in the drive aisle and fire lanes.

Vice Chair Werner pointed out that the Initial Study referred to the Zone Change and asked if it was necessary to modify the Study. City Attorney Holdaway explained that once the Study was completed and if there were non-substantive changes to the project, it was not necessary to revise the Study using the new data. Director Woldruff added that staff would indicate that the Zone Change request had been withdrawn and replaced with a Variance to address the setback issue at the time of the filing of the Notice of Determination with the County of San Bernardino.

Conditions of Approval

Landscaping

The Planning Commission required that a condition be added requiring the applicant to leave as many trees as possible or relocate them in the project area. The applicant explained that they would leave the trees in their location if they were in the common area and they would obtain a permit from the City to relocate them on the property. He went on to say that he didn't know the current condition or the number of trees but that he would be happy to work with staff and the landscape architect to reuse or relocate as many of the healthy eucalyptus trees as possible.

Director Woldruff explained that staff would require an arborist's report during the plan check process before issuing building permits to validate any request for tree removal. She added that a condition would be added to address the matter of the eucalyptus trees and proposed language similar to the following:

“Tree removal permit will be required and supported by an arborist's report and the applicant shall work with staff to preserve as many of the trees as possible, particularly in the proposed open space.”

Fencing

On a question from Commissioner Rosenbaum, Mr. Kang explained that the fencing proposed along the San Timoteo Channel was tubular fencing with a solid block wall for the perimeter.

Mr. Kang pointed out that the language in Conditions of Approval No. 28, 29, 30 and 31 was being replaced by a single condition and Condition No. 81 was also replaced.

Commissioner Rosenbaum made a motion to recommend to City Council to adopt the Mitigated Negative Declaration, approve Tentative Tract Map No. 17795, Precise Plan of Design No. 06-03, and Variance No. 06-05 based on the Findings, and subject to the amended Conditions of Approval, and Approve Development Agreement No. 06-01. She continued to say that before a second was requested she would like to make it a condition of approval that Unit No. 5 be modified and made a single-story unit.

The discussion continued regarding some confusion related to the elevations provided by the applicant. The elevations represented a single-story unit, which was not being proposed in the submittal. Mr. Kang explained that the single-story represented on the board was part of the first submittal of the applicant and that he had since redesigned the project with all two-story units.

Commissioner Rosenbaum asked for direction as to the wording of her motion. Mr. Hu addressed the Commission stating that he had taken another look at the plans and that he could move the unit slightly and slightly reduce the square footage to accommodate the 10-foot setback on the side, which would then eliminate the need for the variance and keep the project consistent instead of having just one single-story building.

Commissioner Rosenbaum made an amended motion, which was seconded by Commissioner Varnam to recommend to City Council to Adopt the Mitigated Negative Declaration, Approve Tentative Tract Map No. 17795, and Precise Plan of Design No. 06-03, based on the findings and subject to the amended Conditions of Approval, deny Variance No. 06-05 based on the Findings, and Approve Development Agreement No. 06-01.

Director Woldruff pointed out that staff had made findings that were prepared for approval and if the Commission wished to deny the Variance, one of the findings must be changed for denying the project. She added that if the project could go without a variance, the applicant might want to do so. City Attorney Holdaway added that a condition of approval would be added stating the plan be modified as approved by Community Development to adjust the unit to accommodate the required setback. Director Woldruff stated that staff would have to confer with Mr. Zhou as to what he wished to do.

Vice Chair Werner stated that he had concerns regarding safety issues throughout the project, and that he would like to see the project modified and brought back before the Planning Commission. He added that the project didn't seem to blend well with the neighboring homes.

Vice Chair Werner asked the applicant if he would want to withdraw the Variance and the motion could then be withdrawn. Mr. Zhou commented on the Development Agreement, which required 15 (%) percent of the units to be low income. He added that two units which were less than 1,700 square feet met the requirements of the Development Agreement with the Redevelopment Agency.

Vice Chair Werner commented that it seemed that the plans and documents being presented were inconsistent such as attached units not represented as being attached and smaller 1,400 square foot units which were not represented on the plans.

Mr. Kang summarized the Commission's concerns that the applicant needed to revise the plans to meet the side-yard setback requirement, provide a pedestrian path to the open space area, study the possibility of a single-story unit option, and provide new elevations that depict the proposed duplex units.

Commissioner Rosenbaum withdrew her motion and Commissioner Varnam withdrew his second.

**Motion by Rosenbaum, seconded by Varnam, and carried by a vote of 3-0,
to continue the item to the Adjourned Regular meeting of July 12, 2006.
(Christianson recused, Povero absent)**

Vice Chair Werner pointed out the areas of confusion:

- Square footage of the units;
- Visual concerns with lots 1 and 2 and 5 and 6 proposed to be joined;
- Container sizes for the trees;

- Parking spaces;
- Consistency throughout the plans as provided.

Director Woldruff stated that staff would work with the applicant to provide a project that would meet the Planning Commission's expectations.

REPORTS BY THE PLANNING COMMISSIONERS

Commissioner Rosenbaum commented that in quite a few of the recently submitted applications, she found the houses being proposed resembled square boxes. She felt that the resulting developments were not realistic neighborhoods. She added that she would like to see developments proposing more one-story houses.

Vice Chair Werner stated that he would like staff to encourage future applicants to design project with a mix of different styles.

Commissioner Varnam asked Director Woldruff to confirm the dates for the next meetings. Director Woldruff stated that there was one meeting on July 12th and two in August, August 2nd and August 16th.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

Director Woldruff reported that the City Council had asked the Trails Development Committee (TDC) to look at the San Timoteo Creek Trail through the City and work with other entities to create links to other trails particularly the Santa Ana River Regional Trail and to recommend enhancements to the trail. She stated that the City has an EPA grant, which could only be used for habitat enhancement and could not be used to directly enhance the trail itself. The TDC would schedule meetings to gather public input to help them prepare a report for the City Council with their recommendation for enhancements such as restrooms, drinking fountains and seating areas along the trails.

Director Woldruff indicated that the City had a number of committee openings and the City Council would be appointing new members in August. She also mentioned the TDC, the Senior Center Board, and the Historical Commission.

She informed the Commission that the City Council had upheld the Planning Commission's recommendation to deny the Development Code Amendment, which would have allowed ARCO to sell alcohol but had approved the project itself without the alcohol portion of the submittal.

ADJOURNMENT

Meeting was adjourned at 9:30 p.m. to the Adjourned Regular meeting of July 12, 2006.

Minutes approved at the meeting of August 16, 2006.

Administrative Secretary